

**RECEIVED  
CENTRAL FAX CENTER**

**MAR 20 2006**

Doc Code: AP,PRE,REQ

PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		<b>Docket Number (Optional)</b> YOR920030131US1 / I31-0015	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR		<b>Application Number</b> 10/610,948	<b>Filed</b> June 30, 2003
On _____		<b>First Named Inventor</b> J. Kenneth Coppola	
Signature _____		<b>Art Unit</b> 2125	<b>Examiner</b> Michael D. Masinick
Typed or printed name _____			
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/>	applicant/inventor.	<u>Marisa J. Dubuc</u> Signature	
<input type="checkbox"/>	assigned of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/30)	<u>Marisa J. Dubuc</u> Typed or printed name	
<input checked="" type="checkbox"/>	attorney or agent of record. Registration number <u>46,673</u>	<u>860-286-2929</u> Telephone number	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>March 20, 2006</u> Date	
NOTE: Signatures of all the inventors or assigners of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1 800-PTO-9199 and select option 2.

**BEST AVAILABLE COPY**

**RECEIVED  
CENTRAL FAX CENTER**

MAR 20 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: J. KENNETH COPPOLA, ET AL. )  
 ) Group Art Unit: 2125  
 )  
SERIAL NUMBER: 10/610,948 )  
 )  
FILED: June 30, 2003 ) Examiner: M.D. Masinick  
 )  
FOR: METHOD, SYSTEM, AND STORAGE )  
MEDIUM FOR INTEGRATING ) Confirmation No: 4139  
REWORK OPERATIONS INTO AN )  
ADVANCED PLANNING PROCESS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Pre-Appeal Brief Request for Review**

In response to the Final Office Action dated September 19, 2005, and in conjunction with the concurrently filed Notice of Appeal, the Applicants submit the following for entry in the above-identified application.

**BEST AVAILABLE COPY**

REMARKS

Claims 1-18 are pending in the instant application. Claims 1-18 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 5,630,070 to Dietrich et al. (hereinafter "Dietrich") in view of U.S. Patent No. 5,239,487 to Horejsi et al. (hereinafter "Horejsi"). The Applicants submit that the rejections of claims 1-18 are in error because the Examiner has not met the burden of establishing a *prima facie* case of obviousness in contravention of the provisions of 35 USC 103.

With respect to claim 1, none of the references teach or suggest all of the claimed features. In particular, none of the references teach or suggest ***"providing at least one rework Bill of Materials flow for use in conjunction with other Bills of Materials flow in a production planning process...applying rework parametric information to the at least one rework Bill of Materials flow resulting in a manufacturing plan for rework operations...and generating an integrated manufacturing plan that includes the manufacturing plan for rework operations and the other Bills of Material flow."*** Neither Dietrich, nor Horejsi, either alone, or in combination, teach or make obvious a "rework Bill of Materials flow for use in conjunction with other Bills of Materials flow in a production planning process." Moreover, neither of the references, alone or in combination, teach or make obvious "applying rework parametric information to the at least one rework Bill of Materials flow resulting in a manufacturing plan for rework operations...and generating an integrated manufacturing plan that includes the manufacturing plan for rework operations and the other Bills of Material flow. Dietrich, at best, teaches a manufacturing plan including a Bill of Materials flow. Horejsi discloses a method of rework operations but does not teach generating a rework Bill of Materials flow. Accordingly, the combination of Dietrich and Horejsi would not teach an integrated manufacturing plan that includes a manufacturing plan for rework operations and other Bills of Material flow.

Moreover, there is no suggestion or motivation in the references themselves to modify the reference or to combine reference teachings. None of the references contain any suggestion or motivation to one of ordinary skill in the art to modify or combine the references. Dietrich teaches a manufacturing resource planning process that does not include any type of rework

operations. Moreover, Dietrich is devoid of teaching combining or integrating any type of Bills of Material within a production planning process. The integration actions disclosed by Dietrich reference the integration of a shipping schedule, production schedule, and part usage schedule. Dietrich, however, does not teach or suggest the integration of anything within the manufacturing plan as recited in claim 1. While Horejsi discloses a computer-implemented process for performing rework operations, such similarities between Horejsi and Applicants' claim 1 end there. Horejsi is focused on a process for diagnosing and reworking items in a manufacturing process but *does not even remotely suggest a rework Bill of Materials flow, much less suggest "generating an integrated manufacturing plan from a rework Bill of Materials flow and other Bills of Material flow"*, as recited in claim 1.

Further, there is no reasonable expectation of success. At the time of the patentee's invention, a person of ordinary skill in the art must have had a reasonable expectation of success in combining the cited references to produce "an integrated manufacturing plan that includes the manufacturing plan for rework operations and the other Bills of Materials flow". At the relevant time, person of ordinary skill in the art would not have had a reasonable expectation of success in combining the prior art references to create the invention of "the integrated manufacturing plan that includes the manufacturing plan for rework operations and the other Bills of Materials flow". The Examiner states on page 3 of the Office Action dated September 19, 2005, "it would have been obvious to use the concepts of manufacturing rework set forth in Horejsi to reintegrate the rework operations into the system of Dietrich because 'rework is generally a manual process' [citing column 3 of Horejsi] and because it reduces the time required for rework operations, reduces the cost associated with rework operations, and reduces the level of necessary skill in order to perform rework operations". Assuming, for the sake of argument, that the Examiner is correct, the combined teachings of Dietrich and Horejsi, as described above, *do not provide any reasonable expectation of success that the rework activities described in Horejsi along with the manufacturing resource planning processes of Dietrich would produce the desired result, namely, "an integrated manufacturing plan that includes the manufacturing plan for rework operations and the other Bills of Materials flow."*

For at least the reasons presented above, the rejections of claim 1 is in error. Claims 8

VQ06/000/01311051/131-0015

and 15 recite features that are substantially similar to those recited in claim 1. For at least this reason, the rejections of claims 8 and 15 as being unpatentable over Deitrich in view of Horejsi are in error. Claims 2-7 depend from what should be a patentable claim 1. Claims 9-14 depend from what should be a patentable claim 8. Claims 16-18 depend from what should be a patentable claim 15. For at least these reasons, the rejections of claims 2-7, 9-14, and 16-18 are also in error.

CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 1-18 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 C.F.R. 41.20(b)(1) is enclosed herewith. If there are any additional charges with respect to this Request, or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,

CANTOR COLBURN LLP

By: Marisa J. Dubuc  
Marisa J. Dubuc  
Registration No. 46,673  
Confirmation No. 4139  
Customer No. 48915

Date: March 20, 2006  
Address: 55 Griffin Road South, Bloomfield, CT 06002  
Telephone No: (860) 286-2929  
Fax No: (860) 286-0115